

NOTICE OF ALLOWANCE

1. Applicant's amendment filed on 12/26/2007 is acknowledged. Claim 80 has been added. Claims 11-16 have been canceled. Claims 1-10, 17-80 are pending. Claims 9, 10 and 23-77 are withdrawn from consideration as being drawn to a non-elected invention. Applicant's amendment and declaration filed under 37 C.F.R. 1.132 place the claims 1-8, 17-22, 78, 79 and 80 in condition for allowance. An examiner's amendment and statement of reasons for allowance appears below.

Declaration

2. The Declaration under 37 CFR 1.132 filed March 28, 2008 is sufficient to establish proper support for the elected subject matter being encompassed by the phages identified as SJL s and SJL a. Accordingly, phages encompassing non-elected subject matter have been canceled.

Examiner's amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Cunningham on March 28, 2008. The application has been amended as follows:

(a) In the claim 1, at line 3 and line 4, --the amino acid sequence of-- was inserted before "SEQ ID NO: 26".

(b) In the claim 5, at line 2, --the amino acid sequence of-- was inserted before "SEQ ID NO: 26".

(c) In the claim 19, at line 3, --the amino acid sequence of-- was inserted before "SEQ ID NO: 26".

(d) In the claim 78, "SJL q (CNCM I-3168), SJL d (CNCM I-3169), SJL l (CNCM I-3170), SJL b (CNCM I-3172), SJL n (CNCM I-3173), SJL g (CNCM I-3174) and SJL m (CNCM I-3175)" has been deleted.

(e) The non-elected claims 9, 10 and 22-77 have been deleted.

Reasons for allowance

4. The following is an examiner's statement of reasons for allowance: The claims 1-8, 17-22 and 78-80 are deemed in condition for allowance based on Applicant's amendments and arguments. Applicant's arguments and amendments establishes that the disclosure meets the requirements and guidelines of 35 USC 112 first paragraph as providing adequate written description for the claimed invention. A search of the prior art indicates that the claimed invention is novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CYNTHIA B. WILDER whose telephone number is (571)272-0791. The examiner can normally be reached on a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CBW/

/GARY BENZION/
Supervisory Patent Examiner, Art Unit 1637